

1 Washington Place to High Street, the convenience  
2 store --

3 A. Worcester Place.

4 Q. Worcester place, excuse me.

5 -- to High Street, where the  
6 convenience store was located, how many officers  
7 transported you? Was it just one?

8 A. Yes.

9 Q. Okay, so it was only one officer?

10 A. Right.

11 Q. When you were transported, you believe  
12 by a Hispanic officer, back to the station --

13 A. From the scene to the station.

14 Q. -- was anything said? Did he say  
15 anything to you?

16 A. No.

17 Q. Did you have any conversation with  
18 him?

19 A. No.

20 Q. Did you tell him that you didn't do  
21 it?

22 A. Yes.

23 Q. You did.

24 A. Yes.

1 Hispanic?

2 A. Yes, sir.

3 Q. There was no conversation?

4 A. No.

5 Q. No threats were made?

6 A. No.

7 Q. No racial slurs were thrown about by  
8 that officer?

9 A. No.

10 Q. And you were brought to the station,  
11 and did you go through a booking process?

12 A. Yes, sir.

13 Q. And were you in cuffs during that  
14 period of time?

15 A. No.

16 Q. No?

17 A. No.

18 Q. Okay. Do you remember who booked you?

19 A. I think it was Lieutenant Higgins.

20 Q. And did he ask you a series of booking  
21 questions?

22 A. Yes, sir.

23 Q. You're familiar with booking  
24 questions?

1 A. Yes, sir.

2 Q. And when he was booking you did he  
3 threaten you in any way?

4 A. No, sir.

5 Q. He didn't use any racial slurs to you  
6 in any way?

7 A. No, sir.

8 Q. It's fair to say you went through the  
9 booking process with him in the beginning, you  
10 gave him your background information, name, date  
11 of birth?

12 A. Yes, sir.

13 Q. What is your date of birth?

14 A. 8/2/68.

15 Q. Your Social Security number?

16 A. 097-56-3450.

17 Q. You were told what you were being  
18 charged with? You understood at that point?

19 A. Yes, sir.

20 Q. You were told armed robbery?

21 A. Yes, sir.

22 Q. Lieutenant Higgins began the booking  
23 process?

24 A. Yes, sir.

1 Q. He went through the booking process  
2 with you?

3 A. Yes, sir.

4 Q. Informed you of your rights?

5 A. Yes, sir.

6 Q. And then you went through the booking  
7 process and at some point he left, right?

8 A. Yes, sir.

9 Q. And when he left did he come back into  
10 the room?

11 A. Yes, sir.

12 Q. And he started some conversation with  
13 you?

14 A. Yes, sir.

15 Q. Did he ask you about some Springfield  
16 robberies?

17 A. Yes, sir.

18 Q. And did he ask you if he should have  
19 the Springfield police come up and take a look at  
20 you to investigate those robberies?

21 A. Yeah, something like that, yes.

22 Q. And he was talking, striking up a  
23 conversation with you?

24 A. Yes.



1 muscular male holding up stores in Springfield,  
2 and he described you as a muscular individual?

3 A. Yes, sir.

4 Q. And then he said to you something  
5 about, "You didn't do those holdups, did you?"  
6 Right? He tried tricking you, in your opinion,  
7 tricking you?

8 Then did you slip up and say, "Yeah, I  
9 only did this one," by accident?

10 A. I didn't say that.

11 Q. You're sure?

12 A. Yes.

13 Q. Through the conversation --

14 A. I --

15 Q. Through the conversation -- if I could  
16 finish the question, Mr. Ribeiro, please.

17 So through the conversation, when he  
18 was saying these things to you you didn't slip up  
19 by accident and say something by accident?

20 A. I know I didn't say it.

21 Q. You didn't say it at all.

22 A. No.

23 Q. You never indicated, "Yeah, I only did  
24 this one"?

1 Q. You didn't see those posters?

2 A. (Shaking head.)

3 Q. You had been booked before. You  
4 understood your rights, correct?

5 A. Yes, sir.

6 Q. So other than that there was no other  
7 indication of any conflicts with Lieutenant  
8 Higgins? No arguments, yelling back and forth, so  
9 forth?

10 A. No, sir.

11 (Short recess.)

12 Q. We just indicated you were just  
13 offered some medication?

14 A. Yes, sir.

15 Q. Do you need that medication?

16 A. I can take them later.

17 Q. It won't affect your mental clarity?

18 A. No.

19 Q. It won't affect your ability to  
20 understand questions or to answer questions?

21 A. No.

22 Q. Or to concentrate or to focus?

23 A. No.

24 Q. At any point, also, if you need a

1 break, Mr. Ribeiro, please indicate so and we'll  
2 take a break.

3 A. Mm-hmm.

4 Q. So you were in the booking area. How  
5 long were you in the booking area? You said about  
6 ten minutes?

7 A. Something like that.

8 Q. It's fair to say Lieutenant Higgins  
9 wasn't in there the entire time with you? He had  
10 left.

11 A. Yeah, he left.

12 Q. And you were indicating while you were  
13 in that booking room that they had the wrong  
14 person, that you didn't do anything?

15 A. Yes, sir.

16 Q. Were you sweating at that point? You  
17 kept walking around the booking room?

18 A. Yes, sir.

19 Q. Okay. Upon completion of the booking  
20 you were informed of the charges?

21 A. Yes, sir.

22 Q. You understand it was armed robbery  
23 while masked, possession of a firearm without a  
24 license to carry?

1 A. Yes, sir.

2 Q. Possession of ammunition without  
3 permit?

4 A. Yes, sir.

5 Q. If you know, did that armed robbery  
6 charge ever become a subsequent offense? Were you  
7 ever charged with a subsequent offense, or a  
8 violent history?

9 A. I had a drug charge in 2002.

10 Q. Were you ever indicted as a violent  
11 felon?

12 A. No, sir.

13 Q. Do you remember any of the officers  
14 reading you your Miranda rights?

15 A. No.

16 Q. At any point, you don't remember, at  
17 the scene?

18 A. No, they didn't.

19 Q. No one did?

20 A. No.

21 Q. Is it possible you didn't hear them?

22 A. No.

23 Q. You just didn't pay attention?

24 A. They never read them to me.



1 that I didn't do it.

2 Q. That's the only statement you made.

3 A. (Nodding.)

4 Q. So when you say you weren't allowed to  
5 use a telephone, you didn't make any  
6 incriminating statements after that.

7 A. No.

8 Q. Okay. How long were you held at the  
9 police station prior to being transported over to  
10 court?

11 A. About an hour or two.

12 Q. You weren't in the police station very  
13 long.

14 A. No.

15 Q. Okay. So they went through the booking  
16 process and then brought you over to the Hampden  
17 court?

18 A. Yes, sir.

19 Q. You were held on bail?

20 A. Yes, sir.

21 Q. Do you recall how much bail you were  
22 held on?

23 A. Fifty thousand, I think.

24 Q. You have been held ever since?

1 A. Yes, sir.

2 Q. Okay. And you said you had a motion to  
3 suppress hearing on this case?

4 A. Yes, sir.

5 Q. What was the result of that motion to  
6 suppress hearing?

7 A. I was denied by Judge Curly.

8 Q. By Judge Curly?

9 A. Yes.

10 Q. What was the nature of the motion to  
11 suppress?

12 A. It was a motion to suppress because it  
13 was illegally obtained and fabricated. The police  
14 said that I admitted to the crime. They have no  
15 recording, no video, no electronic video of the  
16 alleged statement. According to the Supreme  
17 Judicial Court it's supposed to be electronically  
18 recorded. According to the Supreme Judicial  
19 Court, interrogations by police should be  
20 electronically recorded.

21 Q. You said interrogations?

22 A. Yeah. And I never signed a statement  
23 against myself. They had no statements saying  
24 that I admitted to it.

1 the victim, no Miranda warning, never signed a  
2 Miranda warning card as indicated on the police  
3 report. False arrest and prosecutorial  
4 misconduct.

5 Q. When you made some police misconduct  
6 allegations you indicated threats?

7 A. Yes.

8 Q. Racial slurs.

9 A. Yes.

10 Q. I think we clarified that the only one  
11 you allege had said that was Officer Donze?

12 A. Yes.

13 Q. Not Officer Kelly and not Lieutenant  
14 Higgins.

15 A. No.

16 Q. Can you tell me what police misconduct  
17 is alleged about Officer Paul Kelly?

18 A. Just not following police procedure  
19 with Miranda and photo arrays and line-up. That  
20 should have been conducted in the case.

21 Q. Do you know if he was the officer  
22 responsible for conducting the line-up?

23 A. I'm not sure.

24 Q. Anything else that you allege was

1 misconduct by Officer Paul Kelly?

2 A. No. Just the fact that he was one of  
3 the arresting officers.

4 Q. So just the fact that he was present  
5 at the scene?

6 A. Yes, sir.

7 Q. The only allegation is that he was  
8 there?

9 A. Yes.

10 Q. So as far as you know, you didn't see  
11 him do anything wrong?

12 A. No.

13 Q. And he didn't say anything to you in a  
14 threatening manner?

15 A. No.

16 Q. Or vulgarity?

17 A. No.

18 Q. Just being present is the allegation  
19 against --

20 A. Yes, sir.

21 Q. Okay. You don't allege he struck you  
22 in any way?

23 A. No.

24 Q. You're not alleging any officer struck



1 you.

2 A. No.

3 Q. No excessive force used, correct?

4 A. No striking, no.

5 Q. No striking.

6 A. Excessive force, trying to force me to  
7 put on a --

8 Q. Again, that's Officer Donze that  
9 you're alleging that.

10 A. Right.

11 Q. But by Officer Kelly --

12 A. No.

13 Q. Never struck you, never swore at you?

14 A. No.

15 Q. As you recall, never even spoke to  
16 Officer Kelly?

17 A. No, I never said nothing to him.

18 Q. Lieutenant Higgins, same thing? Never  
19 swore at you, struck you in any way?

20 A. No.

21 Q. Racial slurs against you?

22 A. No.

23 Q. What's your allegation of police  
24 misconduct by Lieutenant Higgins?

1 evidence.

2 Q. When you say Lieutenant Higgins said  
3 you signed the Miranda card are you sure it was  
4 Lieutenant Higgins that indicated that?

5 A. One of them -- there's, like, two --  
6 two indications that say in the report that I was  
7 read my rights and I signed the Miranda warning  
8 card.

9 Q. But you don't know if that's what  
10 Lieutenant Higgins said.

11 A. I know he said he read me my rights.

12 Q. Right. You claim that's one of his  
13 misconducts, that he never read you your Miranda  
14 rights.

15 A. Right.

16 Q. You had a motion to suppress on that,  
17 correct?

18 A. Yes.

19 Q. That was the issue of the motion to  
20 suppress hearing in the Hampden Superior Court?

21 A. Yes.

22 Q. That was in front of Judge Curly?

23 A. Curly, yes.

24 Q. That motion was denied?

1 A. Yes, sir.

2 Q. Do you know if that's been appealed up  
3 to the appeals court or Supreme Judicial Court?

4 A. No. I had a choice to do an  
5 interlocutory appeal, but it would have delayed  
6 my trial, and I didn't want no more delays.

7 Q. So you haven't exhausted all of your  
8 remedies, then, in regard to those type of  
9 motions?

10 A. Yes.

11 Q. You still have other state remedies as  
12 a result of him denying your motion?

13 A. Yes.

14 Q. That's all at this point you can  
15 remember of Lieutenant Higgins', Michael  
16 Higgins', misconduct? Not reading your Miranda  
17 and indicating a statement attributed to you  
18 that, "I only did this one"?

19 A. Right.

20 Q. Your memory is exhausted as to that  
21 aspect of it?

22 A. Yes.

23 Q. I just want to go over some facts of  
24 July 12.

1 Q. At that point you knew what they were  
2 accusing you of.

3 A. Yes, sir.

4 Q. They had told you why, correct?

5 A. Yes, sir.

6 Q. Okay. So you did know at that point  
7 what they were accusing you of.

8 A. Right.

9 Q. So why were you terrified?

10 A. I didn't know what was going to  
11 happen.

12 Q. You didn't know what was going to  
13 happen? What do you mean, you didn't know what  
14 was going to happen?

15 A. I mean what the police was going to  
16 do, because Donze was so mad at me, because I  
17 didn't cooperate with him, put on a mask, he was  
18 cursing at me, forcibly trying to put that mask  
19 on me, so I didn't know what they were capable of  
20 doing to me at that time.

21 Q. You say "they". You mean Officer  
22 Donze?

23 A. Yes.

24 Q. Because no one else said anything to



1 use a telephone, because you asked for it,  
2 correct?

3 A. Yes.

4 Q. And you weren't at the station that  
5 long. You were booked and then pretty quickly  
6 after brought over to the court?

7 A. An hour, two hours, yeah.

8 Q. I thought we talked, it was an hour  
9 before?

10 A. Something like that.

11 Q. Like an hour?

12 A. Yeah.

13 Q. So the booking process, processing  
14 you -- were you fingerprinted?

15 A. Yes, sir.

16 Q. Photo taken?

17 A. Yes, sir.

18 Q. Went through your booking rights,  
19 correct?

20 A. Yes, sir.

21 Q. All the information?

22 A. (Nodding.)

23 Q. Inventory of your personal belongings?

24 A. Yes, sir.

1 conversation is all correct and true.

2 A. Yes.

3 Q. And when you indicate that you said  
4 you didn't do anything, robbery, that's also  
5 true.

6 A. Right.

7 Q. So it's just that one brief sentence  
8 we're talking about.

9 A. Yes.

10 Q. And it's fair to say, as far as  
11 Officer Kelly, again, is concerned, Officer Paul  
12 Kelly, he really had nothing to do with this case  
13 other than being present at the scene?

14 A. Yes.

15 Q. Okay. There's no misconduct alleged by  
16 him as far as that's concerned.

17 A. Not personally.

18 Q. Not personally, correct?

19 A. Yes.

20 MR. VIGLIOTTI: At this point I will  
21 suspend the deposition to try to get some of  
22 those documents that we talked about -- I know  
23 you're incarcerated -- regarding the work case  
24 and so forth. So at this point we'll suspend and